

State of California  
California Regional Water Quality Control Board  
Santa Ana Region  
Staff Report  
November 30, 2007

**ITEM:** XX

**SUBJECT:** Order No. R8-2007-0085 Affirming Administrative Civil Liability  
Complaint No. R8-2007-0059 (Revised), City of Villa Park, Orange  
County

**BACKGROUND**

On August 2, 2007, the Executive Officer issued Administrative Civil Liability Complaint (Complaint) No. R8-2007-0059 to the City of Villa Park (City) for alleged violations of the Areawide Urban Storm Water Runoff Permit for Orange County and Incorporated Cities (Permit). In the original ACL, the Executive Officer proposed an assessment of \$115,780 for the alleged violations. Based on additional information provided by the City, a revised Complaint (attached) was issued with a proposed assessment of \$98,280, of which \$50,000 was suspended. The City agreed to waive its right to a hearing.

**INTRODUCTION**

The matter before the California Regional Water Quality Control Board, Santa Ana Region (Board), is whether to adopt Order No. R8-2007-0085, affirming the proposed assessment, including the terms and conditions for suspension of \$50,000 of the assessed amount, contained in Complaint No. R8-2007-59.

Complaint No. R8-2007-0059 was issued by the Executive Officer to the City for failing to comply with the Permit. The alleged violations are described in the Complaint (See attached Complaint).

**DISCUSSION**

The City is a co-permittee under the Permit. The current Permit is the third term permit that regulates urban storm water runoff from the City. Originally adopted in 1990, and renewed in 1996, 2002, the current Permit is presently undergoing revisions for its next five year term.

The third term Permit required the City to develop and/or refine programs and policies geared towards controlling sources of pollutants in urban storm water runoff.

On February 1, 2006, Board staff conducted an audit of the City's storm water program and discovered that the City had not fulfilled several significant elements required by the Permit. The City's failure to properly develop, implement, monitor

and report the programs and policies for controlling pollutants in urban storm water runoff constitutes violations of the Permit.

A Notice of Violation was issued to the City on May 18, 2007, for the alleged Permit violations. The City responded to the Notice of Violation in a July 6, 2007 correspondence. However, the City's response failed to provide sufficient information to justify any of the permit violations noted in the Notice of Violation.

From the findings listed in the attached Complaint, the Executive Officer originally proposed that civil liability be imposed on the City in the amount of \$115,780. This amount included \$98,780 in cost savings and \$17,500 for Board staff costs. However, through a series of pre-hearing meetings between the City and Board staff, it was concluded that recovery of staff costs would not be separately assessed in the Complaint. Further, to be consistent with previous enforcement actions taken by the Board against other municipalities in Orange County under the same Permit, it was agreed that \$50,000 of the assessment would be suspended if the City agreed to comply the tasks specified in the revised Complaint. These tasks are intended to bring the City into substantial compliance with the Permit.

### **RECOMMENDATION**

Board staff recommends that the Board affirm the assessment of \$98,280 and to suspend \$50,000 of that assessment, as specified in the revised Complaint issued by the Executive Officer on November 8, 2007, by adopting Order No. R8-2007-0085.